

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**ELISHA SMITH**

**Plaintiff,**

**v.**

**SHAUN DONOVAN, *SECRETARY,*  
*DEPARTMENT OF HOUSING AND*  
*URBAN DEVELOPMENT,***

**Defendant.**

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**CIVIL ACTION NO. 10-1160**

**ORDER**

**AND NOW**, this 17th day of January 2013, upon consideration of Defendant's Motion for Summary Judgment and the response thereto, and for the reasons stated in the accompanying memorandum, it is hereby **ORDERED** that the Motion is **GRANTED in part and DENIED in part**. The Motion is **GRANTED** as to the First Amendment claim and **DENIED** as to the racial discrimination claim.

It is so **ORDERED**.

**BY THE COURT:**

/s/ Cynthia M. Rufe

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**CYNTHIA M. RUFÉ, J.**